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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,271	11/20/2001	Michael C. Smyk	FCI-2632/C3069	9590

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EXAMINER

HARVEY, JAMES R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/989,271

Applicant(s)

SMYK, MICHAEL C.

Examiner

James R. Harvey

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3-3-04 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-7-04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### ***DETAILED ACTION***

#### ***Claim Cancellations***

- The cancellation of claims 1-44 has been made of record.

#### ***Continued Examination Under 37 CFR 1.114***

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

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1.114. Applicant's submission filed on 3-3-04 has been entered.

#### ***Information Disclosure Statement***

- The Information Disclosure statement(s) and related documents that were filed on 1-7-2004 have been considered.

#### ***Drawings***

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.  
-- In reference to Claim(s) 47, 50, 53, and 54, the recitation "devoid of any structure prohibiting access to the flexible contact element" is not supported by the drawings.

Art Unit: 2833

-- The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.

- **Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.**
- **If drawing correction are not submitted with the response to this office action, the response will be consider a Non-Responsive Reply and the following paragraph will apply:**

The reply filed on ( ... ) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

### *Claim Objections*

Claim(s) 45-54 are objected to because of the following informalities

-- In reference to Claim(s) 45-54, the recitation "tubular portion" is seen to mean something in the form of a cylindrical tube (see attached definition from The American Heritage Dictionary).

This not shown in the drawings. Even if a cylindrical tube had been shown in the drawings, the further recitation of first and second set of sidewalls (claim 1, lines 3 and 4 ) would then be considered vague and indefinite because cylinders do not have sidewalls (they have outer and inner circumferences). For purposes of examination, it is assumed that the language is intended to mean "rectangular portion". An examination based on the merits, as best understood, is addressed below.

Art Unit: 2833

-- In reference to Claim(s) 52-54, the recitation "diameter" is vague and indefinite. Cylindrical objects have diameters (rectangular objects have cross-sectional areas). Applicant only discloses a rectangle with an "effective cross-sectional area". For purposes of examination, it is assumed that the language is intended to mean "effective cross-section". An examination based on the merits, as best understood, is addressed below.

-- In reference to Claim(s) 47, 50, 53, and 54, the recitation "devoid of any structure prohibiting access to the flexible contact element" is not supported by the drawings. The entire bottom wall (as shown in applicant's figure 4 ) prohibits access from the bottom direction. For purposes of examination, it is assumed that the language is intended to be "the profile of the female electrical terminal permits access to the leading edge. An examination based on the merits, as best understood, is addressed below.

-- In reference to Claim(s) 48, the recitation "a central axes" is vague and indefinite. For purposes of examination, it is assumed that the language is intended to mean "a geometrically central axes". An examination based on the merits, as best understood, is addressed below.

-- Appropriate response to the above is required.

### ***Claim Rejections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2833

\*\* Claim(s) 45-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Foreign Patent EP 0 893 850 A2( herein after referred to as FP 850' ).

-- In reference to Claim(s) 45, FP 850' shows (figure 3 )

a contact section for mating with a complementary male terminal, the contact section including a bottom wall 13;

a first set of sidewalls 18 that define a first tubular portion with the bottom wall; and a second set of sidewalls 14, which are longer than the first set of sidewalls, that define a second tubular portion with the bottom wall, the second tubular portion arranged end to end with the first tubular portion; and

a flexible contact element 10 at least partially disposed within the contact section for receiving a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 46, FP 850' shows (figure 3 ) the flexible contact element includes a leading edge (near the lead line of numeral 31 ) that is positioned outside of the contact section.

-- In reference to Claim(s) 47, FP 850' shows (cover sheet) the flexible contact element includes a leading edge, and the profile of the female electrical terminal permits access to the leading edge.

-- In reference to Claim(s) 48, FP 850' shows (cover sheet)

a contact section for mating with a complementary male terminal, the contact section including a first tubular portion comprising a first set of sidewalls; and

Art Unit: 2833

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

a geometrically central axes of the first and second tubular portions are misaligned; and

a flexible contact element at least partially disposed within the contact section for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 49, FP 850' shows (cover sheet) the flexible contact element includes a leading edge that resides outside of the contact section.

-- In reference to Claim(s) 50, FP 850' shows (cover sheet) the flexible contact element includes a leading edge, and the profile of the female electrical terminal permits access to the leading edge.

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-- In reference to Claim(s) 51, FP 850' shows (cover sheet and (figure 3) an opening (near the lead line of numeral 20 ) is defined at an interface between the first tubular portion and the second tubular portion; and

a portion of the flexible contact element extends into the opening.

-- In reference to Claim(s) 52, FP 850' shows

a contact section for mating with a complementary male terminal, the contact section including a first tubular portion comprising a first set of sidewalls; and

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

the first tubular portion has an effective cross-sectional area that is a different size than that of the second tubular portion; and

a flexible contact element at least partially disposed within the contact section for

Art Unit: 2833

urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 53, FP 850' shows (cover sheet) the flexible contact element includes a leading edge, and the profile of the female electrical terminal permits access to the leading edge.

-- In reference to Claim(s) 54, FP 850' shows (cover sheet)

a contact section including a set of converging sidewalls that define an insertion pathway for a complementary male terminal, the insertion pathway having a cross-sectional area that is smaller than a tubular portion that is proximate the set of converging sidewalls; and

a flexible contact element partially disposed within the contact section for urging a complementary male terminal into engagement with a contact section bottom wall;

the profile of the female electrical terminal permits access to the leading edge.

### *Conclusion*

Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.



Art Unit: 2833


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Effective **October 1, 2003**, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, **(703) 872-9306**, with a few exceptions. *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office 140* (August 29, 2000). Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number. Unofficial correspondence such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers. *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office 140* (August 29, 2000).

James R. Harvey, Examiner

jrh  
May 11, 2004



TRUE NGUYEN  
(PRIMARY)

## de·void

de·void (dī·void\*) *adjective*

Completely lacking; destitute or empty: *a novel devoid of wit and inventiveness.*

[Middle English, past participle of *devoiden*, to remove, eliminate, from Old French *desvoidier*: *des-*, *de-* + *voidier*, to empty (from *voide*, empty). See *void*.]

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## tube

tube (tōōb, tyōōb) *noun*

1. a. A hollow cylinder, especially one that conveys a fluid or functions as a passage. b. An organic structure having the shape or function of a tube; a duct: *a bronchial tube*.
2. A small, flexible cylindrical container sealed at one end and having a screw cap at the other, for pigments, toothpaste, or other pastelike substances.
3. *Music*. The cylindrical part of a wind instrument.
4. *Electronics*. a. An electron tube. b. A vacuum tube.
5. *Botany*. The lower, cylindrical part of a gamopetalous corolla or a gamosepalous calyx.
6. *Chiefly British*. A subway; an underground.
7. A tunnel.
8. An inner tube.
9. *Slang*. a. Television: *What's on the tube?* b. A television set.

*verb*

tubed, tub-ing, tubes *verb, transitive*

1. To provide with a tube; insert a tube in.
2. To place in or enclose in a tube.

*verb, intransitive*

*Informal*.

To float down a stream or river for recreation in an inner tube: *went tubing on Sunday afternoon*.

— *Idiom*.

down the tubes or down the tube *Slang*.

Into a state of failure or ruin: *saw all her plans go down the tubes*.

[French, from Old French, from Latin *tubus*.]

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Space: Form: Opening

**tubular (adjective)**

tubular, tubulous, tubulated, cannular, piped

tube-shaped, barrel-shaped, drum-shaped

cylindrical, rotund

funnel-shaped, infundibular

fistulous

vascular, capillary

*The Original Roget's Thesaurus of English Words and Phrases (Americanized Version)* is licensed from Longman Group UK Limited. Copyright © 1994 by Longman Group UK Limited. All rights reserved.

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